

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED W. ROARK,

Plaintiff,

v.

JERRY DYER, *et al.*,

Defendants.

Case No. 1:23-cv-01550-CDB (PC)

ORDER GRANTING MOTION FOR
STATUS UPDATE

(Doc. 16)

ORDER DENYING MOTION FOR RELIEF

(Docs. 17)

Clerk of the Court to Effect Separate Service

Plaintiff Jared W. Roark (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331. (Doc. 1).

Pending before the Court are Plaintiff’s motions for a status update and motion for relief, docketed by the Clerk of the Court on March 12 and March 20, 2024, respectively. (Docs. 16-17).

In his motion for status update, Plaintiff requests an update on his case and indicates he would like to amend his complaint. (Doc. 16).

In his motion for relief, Plaintiff represents that he is “the Agent who investigated the subjects involved in this case load” and is “requesting for a hardship, excused, relief from facing these subjects in this case load.” (Doc. 17). The Court is unclear what relief Plaintiff seeks by

1 this motion. Given Plaintiff's failure to cite legal authority authorizing the Court to grant the
2 relief he seeks, the Court will deny this motion.

3 Plaintiff is advised that on January 18, 2024, the assigned magistrate judge issued a
4 screening order finding that Plaintiff's complaint was so vague and conclusory that it failed to
5 state a claim upon which relief could be granted. (Doc. 13). The undersigned granted Plaintiff
6 the opportunity to amend his complaint or to file a notice of voluntary dismissal within 21 days
7 from the date of service of this order. *Id.* at 3-4. Plaintiff did not respond to the undersigned's
8 order.

9 Accordingly, on February 29, 2024, the undersigned issued findings and recommendations
10 to dismiss this action for failure to obey a court order and failure to prosecute. (Doc. 15). The
11 undersigned provided Plaintiff 14 days to file written objections with the Court. *Id.* at 4. Plaintiff
12 did not file written objections to the findings and recommendations.

13 The Court notes that Plaintiff's address of record is CSP Corcoran; however, in his
14 pending motions, Plaintiff indicates he is at Atascadero State Hospital. As such, the Court is
15 unsure whether Plaintiff has received its recent orders.

16 Accordingly, in light of Plaintiff's representations and good cause appearing, IT IS
17 HEREBY ORDERED:

- 18 1. Plaintiff's motion for a status update (Doc. 16) is GRANTED;
- 19 2. Plaintiff's motion for relief (Doc. 17) is DENIED;
- 20 3. The undersigned shall hold the February 29, 2024, findings and recommendations
21 (Doc. 15) in ABEYANCE for 30 days. Within 30 days from the date of service of
22 this order, Plaintiff is DIRECTED to file either (a) written objections with the
23 Court to those findings and recommendations, (b) an amended complaint curing
24 the deficiencies identified by the Court, or (c) a notice of voluntary dismissal; and

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1 4. In addition to service at Plaintiff's address of record, the Clerk of Court is
2 DIRECTED to mail to Plaintiff a copy of this order, the January 18, 2024,
3 screening order (Doc. 13), the February 29, 2024, findings and recommendations
4 (Doc. 15), and a civil rights complaint form to Plaintiff at:

5
6 Atascadero State Hospital
7 ATTN: Jared W. Roark, BV-5036
8 #076206-2 Unit 33
9 10333 El Camino Real
10 Atascadero, CA, 93423-7001

11 IT IS SO ORDERED.

12 Dated: March 25, 2024

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UNITED STATES MAGISTRATE JUDGE